IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 18072 of 2004**

Between:

L.P.Kanaka Mahalakshmi, W/o L.D.R.Prasad,
R/o 38-19011/6, Jyothi Nagar, Marripalem, Visakhapatnam

**..... PETITIONER**

AND

1 The Station House Officer, III Town Police Station, Siripuram Junction, Visakhapatnam
2 I.C.I.C.I. Bank rep.by its Collection Manager, 103A, First Floor, Siripuram Fort, CBM Compound, Visakhapatnam, Visakhapatnam District

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in threatening by interfering with petitioner's personal liberty and possession of vehicle No.AP 31 X 1445 without following due process of law as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents not to take any coercive steps by threatening the petitioner by taking away the vehicle in possession of the petitioner without following the due process of law.

**Counsel for the Petitioner: MR.B.CHANDRA SHEKHAR**

**Counsel for Respondent No.1: GP FOR HOME**

**Counsel for Respondent No.2: Mr.B.Viswanath Reddy**

**The Court at the stage of admission made the following Order:**

This writ petition is filed seeking a declaration that the alleged action of the respondents in interfering with the petitioner's personal liberty and possession of the vehicle bearing No.AP 31 X 1445 without following due process of law, as arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is alleged that having availed a loan from the second respondent-Bank, the petitioner purchased the vehicle in question. It is claimed that she has been paying the installments as per the terms of the agreement entered with the second respondent regularly. However, on 09-09-2004, the second respondent issued a notice demanding arrears of payment of monthly installments of Rs.1,10,105/- as on 31-08-2004 and to pay the same within seven days. The petitioner approached the second respondent requesting to appraise the situation and also made a request to grant time. It is alleged that in spite of the request made by the petitioner, at the instance of the second respondent, the first respondent-Station House Officer, III Town Police Station, Siripuram Junction, Visakhapatnam started harassing the petitioner and has been taking coercive steps to seize the vehicle. Hence, this writ petition.

On behalf of the first respondent, a counter-affidavit has been filed denying the allegations made by the petitioner. It is further stated that the first respondent never interfered with the personal liberty of the petitioner and never threatened her at the instance of the second respondent. It is further stated that as on the date, no complaint what so ever has been received against the petitioner from the second respondent and that this writ petition is filed on mere apprehension.

In the light of the averments in the counter-affidavit filed by the first respondent denying the allegations made by the petitioner, no further adjudication is necessary.

Accordingly, recording the statement of the first respondent in the counter-affidavit, the writ petition is disposed of. No costs.

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02-11-2004

kdl

To

1 The Station House Officer, III Town Police Station, Siripuram Junction, Visakhapatnam.
2 The Collection Manager, I.C.I.C.I. Bank, 103A, First Floor, Siripuram Fort, CBM Compound, Visakhapatnam, Visakhapatnam District .

3 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.